

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JACQUEES MAURICE BOONE,)	
AIS # 299919,)	
)	
Plaintiff,)	
)	
v.)	CIVIL CASE No. 2:21-cv-164-RAH
)	(WO)
JOSHUA MERRITT, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION and ORDER

On February 24, 2021, the Plaintiff Jacqueses Maurice Boone filed a complaint challenging a disciplinary lodged against him after a canine officer conducted a search for contraband. He seeks the removal of the disciplinary from his file and requests this court to enter a temporary restraining order against the “dog team”. (Doc. 1, p. 4.) Thus, the Complaint contains a motion for temporary restraining order.

A temporary restraining order should issue only where the moving party demonstrates (1) there is a substantial likelihood of success on the merits, (2) the temporary restraining order is necessary to prevent irreparable injury, (3) the threatened injury outweighs the harm the temporary restraining order would cause to the nonmoving party, and (4) the temporary restraining order would not be adverse to the public interest. *Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034–35 (11th Cir. 2001).

Furthermore, under Rule 65 of the Federal Rules of Civil Procedure, a temporary restraining order may issue without notice to the nonmoving party only if (a) specific facts

in an affidavit or verified complaint show that the moving party will suffer immediate and irreparable injury before the adverse party can be heard, and (b) the moving party certifies in writing the efforts he has made to notify the nonmoving party and the reasons notice should not be required. Fed. R. Civ. P. 65(b)(1).

Plaintiff has not met Rule 65(b)(1)'s requirements. The Plaintiff does not allege any concrete facts to support a finding that a temporary restraining order is necessary to prevent immediate and irreparable injury before Defendants can be heard in opposition. Second, Plaintiff has not submitted the certification required by Rule 65(b)(1)(B). Because the motion fails scrutiny under Rule 65(b)(1), it is not necessary to analyze the *Parker* elements.

Accordingly, it is

ORDERED that the Motion for Temporary Restraining Order (Doc. 1) is DENIED.

It is further

ORDERED that this case is referred to the Magistrate Judge for further proceedings.

DONE, this 24th day of February, 2021.

/s/ R. Austin Huffaker, Jr.
R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE